

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.)
)
DEARL DEAN LAWTON) JUDGE CARTER

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on May 22, 2015. Those present included:

- (1) An Asst. U.S. Attorney (AUSA) for the Government.
- (2) The defendant.
- (3) Attorney Anthony Martinez for defendant.

Upon being sworn the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

The defendant acknowledged he had received a copy of the Criminal Complaint. It was determined he was capable of being able to read and understand these proceedings.

The AUSA moved the court the defendant be detained without bail.

Detention Hearing and Preliminary Hearing - Proof

The AUSA called FBI Special Agent Jeffrey Nix as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of the Agent Nix during the detention hearing and preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 18 U.S.C. § 2113(a) and (d) and 924(c)(1)(A)(ii), taking from a person by force, violence and intimidation money belonging to and in the care, custody, control and possession of

First Volunteer Bank, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and did knowingly use and carry, and brandish, a firearm during and in relation to such offense, which is a crime of violence, committed in the Eastern District of Tennessee.

(2) There is probable cause to believe the defendant committed the aforesaid offenses.

(3) The proof the defendant committed the aforesaid offenses is strong.

(4) There are no conditions nor are there any combinations of conditions which will reasonably assure the safety of the community.

Conclusions

It is ORDERED:

(1) The defendant is held to answer the charges against him in the District Court.

(2) The AUSA's motion to detain the defendant without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.

(3) The defendant's next appearance shall be before a U.S. Magistrate Judge at **2:00 p.m. on Thursday, May 28, 2015.**

ENTER.

S / *William B. Mitchell Carter*

UNITED STATES MAGISTRATE JUDGE